

1 HEATHER E. RICHARDSON, Bar #122664
2 Federal Defender
3 PEGGY SASSO, CA Bar #228906
4 Assistant Federal Defender
5 Designated Counsel for Service
6 2300 Tulare Street, Suite 330
7 Fresno, California 93721-2226
8 Telephone: (559) 487-5561
9
10 Attorneys for Defendant
11 JAMES LAMONT RICHARDSON

12
13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17
18 UNITED STATES OF AMERICA,
19 Plaintiff,
20 vs.
21 JAMES LAMONT RICHARDSON,
22 Defendant.

23 Case No. 1:97-cr-05129 JLT-1

24 **STIPULATION TO CONTINUE STATUS
25 CONFERENCE; ORDER THEREON**

26 Date: January 22, 2024
27 Time: 10:00 a.m.
28 Judge: Hon. Jennifer L. Thurston

29
30
31 IT IS HEREBY STIPULATED by and between the parties through their respective
32 counsel that the status conference scheduled for October 17, 2023 at 10:00 a.m. should be
33 continued to January 22, 2024 at 10:00 a.m.

34
35 Mr. Richardson's § 2255 motion is before this Court on remand from the Ninth Circuit
36 for further proceedings in light of *United States v. Taylor*, 142 S. Ct. 2015 (2022). The parties
37 are continuing to work diligently towards achieving a joint recommendation to the Court for
38 resolution of this matter, and continue to make substantial progress towards that objective. Two
39 issues have arisen that render one final continuance necessary.

40
41 First, investigation being conducted that has necessitated the appointment of CJA counsel
42 for a potential witness has been delayed due to a delay in state court proceedings involving the
43 potential witness. CJA counsel has met with the potential witness on numerous occasions but

1 has advised that the witness' state court proceedings need to resolve, which is expected to
2 happen by the end of October 2023, before additional conversations can be productive.

3 Second, the government is transitioning counsel from Kirk Sheriff to Jeffrey Spivak. As
4 previously discussed, this case is both complex and old, involving both a trial and a subsequent
5 plea agreement approximately a year later.

6 Because the parties need additional time to investigate and understand the facts
7 underlying Mr. Richardson's remaining convictions, one final continuance of the status
8 conference in this case is in the interest of justice and reflects the most judicious use of the
9 Court's resources. The parties continue to work towards a joint recommendation to the Court
10 regarding how to proceed on remand. Accordingly, the parties respectfully request that this
11 Court continue the status conference to January 22, 2024.

12 PHILLIP A. TALBERT
13 United States Attorney

14 DATED: October 11, 2023 By /s/ Jeffrey Spivak
15 JEFFREY SPIVAK
16 Assistant United States Attorney
Attorney for Plaintiff

17 HEATHER E. WILLIAMS
18 Federal Defender

19 DATED: October 11, 2023 By /s/ Peggy Sasso
20 PEGGY SASSO
21 Assistant Federal Defender
Attorney for Defendant
JAMES LAMONT RICHARDSON

22 ORDER

23 The status conference scheduled for October 17, 2023 at 10:00 a.m. is continued one final
24 time to January 22, 2024 at 10:00 a.m.

25 IT IS SO ORDERED.

26
27 Dated: October 11, 2023


UNITED STATES DISTRICT JUDGE

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28